

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

MATTHEW ERICKSON,  
Defendant.

CASE NO.CR05-260L

ORDER REGARDING  
SENTENCING PROCEDURE

THIS MATTER comes before the Court on Defendant's conviction, and the Court having set **Friday, April 7, 2006 at 9:30 a.m.** for sentencing, it is hereby **ORDERED:**

1. A presentence report is to be prepared by the U.S. Probation Department.

2. Not less than thirty-five (35) days before the sentencing hearing, the United States probation officer shall furnish the presentence report to the defendant, the defendant's counsel and the attorney for the government. Not less than fourteen (14) days before the sentencing hearing, the parties shall communicate in writing to the probation officer, and to each other, any objections to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report. After receiving objections, the probation officer may require the defendant, the defendant's counsel, and the attorney for the

1 Government to meet with the probation officer to discuss unresolved factual and legal issues. The  
2 probation officer may also conduct a further investigation and revise the presentence report as  
3 appropriate.  
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5 Not less than seven (7) days before the sentencing hearing, the probation officer shall submit  
6 the presentence report, as revised, together with any addendum, setting forth any unresolved  
7 objections, the grounds for those objections, and the probation officer's comments on the objections  
8 and the sentencing recommendations, to the Court, the defendant, the defendant's counsel and the  
9 attorney for the Government.  
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11

12 **3. COUNSEL SHALL INFORM THE PROBATION OFFICER AND THE**  
13 **COURTROOM DEPUTY, KERRY LANE AT (206)370-8519 WHETHER OR NOT AN**  
14 **EVIDENTIARY HEARING WILL BE NECESSARY AT THE SENTENCING AND, IF SO,**  
15 **WHETHER WITNESSES WILL BE CALLED, WHO THEY WILL BE, AND AN ESTIMATED**  
16 **LENGTH OF THE HEARING.**

17 4. If the Government intends to file a § 5K1.1 motion for substantial assistance, the motion  
18 must be served on all counsel and filed under seal fourteen (14) days prior to sentencing. In such  
19 event, the Government must also serve and file under seal a written statement of the nature and  
20 extent of the defendant's cooperation. Any motion under § 5K1.1 and the supporting written  
21 statement must also be provided to the probation officer who has prepared the presentence report  
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23 . If the Government files a § 5K1.1 motion requesting that the Court depart from the Guidelines,  
24 the defendant may file, in response, his or her version of the defendant's cooperation. Any such  
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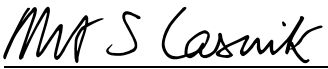
1 response by the defendant must be filed at least four (4) court days prior to sentencing and may be  
2 included in the defendant's sentencing memorandum.  
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4 5. In the event the defendant wishes to provide a written statement accepting responsibility,  
5 the statement should be signed by the defendant. The original should be provided to the United  
6 States Probation Office with a copy to the United States Attorney at least fourteen (14) days prior  
7 to sentencing.  
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9  
10 6. Counsel for the United States or for a defendant shall serve copies of any sentencing  
11 memorandum or related documents upon all other parties and upon the United States Probation  
12 Office at least four (4) court days prior to sentencing.  
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14 The Clerk of the Court shall send uncertified copies of this Order to all counsel of record and to the  
15 U.S. Probation Office.  
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17 DATED this 19th day of December, 2005.  
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20   
21 Robert S. Lasnik  
22 United States District Judge  
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